

Attorney Docket No. PC11089C
Application No. 10/668,633

REMARKS

Claims 1-21 are pending.

Claims 1-21 are rejected.

Claim 1 is amended.

Claims 1-21 stand rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-21 further stand rejected under 35 U.S.C. § 102(b) as being anticipated.

Claim Rejections - Double Patenting

Claims 1-21 stand rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-11 of US 6,552,067 and/or over claims 1-22 of US 6,747,054.

While not acquiescing to the merits of the double patenting rejection, Applicants enclose a terminal disclaimer under 37 CFR 1.321(c), thereby obviating the instant rejection. Reconsideration and withdrawal of the rejection of claims 1-21 as being rejected under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nelson J. A. (1980) (CA Accession Number 1980:146340, US Patent No. 4,177,346).

Nelson discloses certain substituted pyrrolidineheptanoic acids, wherein the heptanoic acid moiety is attached at the pyrrolidine nitrogen and an R₂-terminated substituent is attached at the 5-position of the pyrrolidine ring. The R₂ substituent is selected from the group consisting of α -thienyl, phenyl, and monosubstituted phenyl,

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wherein said substituents being selected from the group consisting of chloro, fluoro, phenyl, methoxy, trifluoromethyl and C₁-C₃ alkyl, then Z is thienyl, thiazolyl or phenyl.

Applicants have amended claim 1 to exclude the compounds specifically taught or generically disclosed by Nelson. More specifically, Applicants have amended claim 1 to provide that when R² is selected from the group consisting of α-thienyl, phenyl, and monosubstituted phenyl, wherein said substituents being selected from the group consisting of chloro, fluoro, phenyl, methoxy, trifluoromethyl and C₁-C₃ alkyl, then Z is thienyl, thiazolyl or phenyl. The language for this proviso is taken from the broadest generic teaching of Nelson, as appears at column 5, lines 25-30.

For the above reasons, Nelson fails to teach or fairly suggest the compounds of the instant claims, as amended. Reconsideration and withdrawal of the rejection of claims 1-21 as being anticipated by Nelson is respectfully requested.

CONCLUSION

Applicants believe that, in view of the amendments and remarks made above, this application is in condition for allowance. Early notice to that end is earnestly solicited.

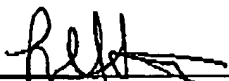
The Commissioner is hereby authorized to charge any additional fees required, or to credit any overpayment to Deposit Account No. 16-1445.

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In the event the examiner wishes to discuss any aspect of this response, please
contact the attorney at the telephone number identified below.

Respectfully submitted,

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Attached : Terminal Disclaimer (1 page)

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